

### REMARKS

Responsive to the Office Action mailed September 26, 2008, Applicants have studied the Examiner's comments. Claims 1–45 are currently pending; after entry of this Amendment, claims 1–11 remain pending. In view of the following remarks, Applicants respectfully submit that the application is in condition for allowance.

#### Restriction Requirement

The Office Action requires restriction of the claims, to one of:

- I. Claims 1–11, drawn to a method of performing a retail transaction comprising identifying a customer account, classified in class 705, subclass 17.
- II. Claims 12–15, drawn to a method of identifying a retail transaction as a wireless-enabled transaction, classified in class 705, subclass 21.
- III. Claims 16–17, drawn to a method for using a customer charge account, classified in class 705, subclass 77.
- IV. Claims 18–32, drawn to a method of matching a retail transaction with a customer account, classified in class 705, subclass 75.
- V. Claims 33–45, drawn to a system for authorizing retail transaction for a retail transaction system, classified in class 705, subclass 44.

(Paper 20080919, p. 2.)

Applicants respectfully elect to prosecute Group I claims 1–11 without traverse, and have accordingly cancelled the claims of Groups II–V, claims 12–45. Applicants reserve the right to pursue the cancelled claims of Groups II–V in later-filed divisional applications.

Applicants note that by definition, the claimed subject matter of the Group I claims “drawn to a method of performing a retail transaction comprising identifying a customer account,” is patentable over the claimed subject matter of the Group II claims, “drawn to a method of identifying a retail transaction as a wireless-enabled transaction,” over the claimed subject matter of the Group III claims, “drawn to a method for using a customer charge account,” over the claimed subject matter of the Group IV claims, “drawn to a method of matching a retail transaction with a customer account,” and over the claimed subject matter of

the Group V claims, “drawn to a system for authorizing retail transaction for a retail transaction system.”<sup>1</sup>

Further, because the Office Action required restriction of the claims, the Office Action admits that search and examination of the entire application of the Group II–V claims cannot be made without “serious burden.”<sup>2</sup> As support for the independent or distinct nature of Groups I–V, the Office Action further classifies the five groups in five different classes and subclasses. Therefore, the Office Action admits any art that is cited against the claims of Group I is non-analogous art to the claims to Groups II–V, and any art cited against the claims of Groups II–V is non-analogous art to the claims of Group I. Such art cannot be relied on as an obviousness reference, nor can there be any teaching or suggestion for combining non-analogous art.<sup>3</sup> In particular, Applicants note that the Office Action admits that art classified in class 705, subclasses 21, 44, 75, and 77 is non-analogous to the claimed subject matter of the Group I claims.

### CONCLUSION

Applicants respectfully submit that all issues and rejections have been adequately addressed, that all claims are allowable, and that the case should be advanced to issuance.

If the Examiner has any questions or wishes to discuss the claims, Applicants encourage the Examiner to call the undersigned at the telephone number indicated below.

Respectfully submitted,

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<sup>1</sup> MPEP § 802.01.

<sup>2</sup> MPEP § 803.

<sup>3</sup> MPEP § 2141.01(a).